

AMENDED IN ASSEMBLY JANUARY 4, 2006

AMENDED IN ASSEMBLY APRIL 11, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

## ASSEMBLY BILL

**No. 874**

**Introduced by Assembly Member Wolk**

February 18, 2005

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An act to add Chapter 5 (commencing with Section 3860) to Part 2 of Division 4 of the Fish and Game Code, relating to wildlife.

### LEGISLATIVE COUNSEL'S DIGEST

AB 874, as amended, Wolk. ~~Priority bird areas.~~ *Avian flu wildlife surveillance.*

Existing law *creates the Fish and Game Commission in the Resources Agency, and provides for the regulation by the Department of Fish and Game of the taking of various bird species, including prohibiting the taking of certain nongame birds. Existing law also provides for the preservation of certain bird species.*

*This bill would enact the Avian Flu Wildlife Surveillance Act to require the Resources Agency, in consultation with the University of California, to develop and implement a plan for the surveillance, monitoring, sampling, diagnostic testing, and reporting of avian influenza in wild birds and animals in the state, among other things. The bill would require the Secretary of the Resources Agency to convene an advisory task force, known as the Avian Influenza Surveillance Task Force, composed of specified members, to assist in the development and implementation of the plan. The bill would also require the secretary, on or before July 1, 2007, to compile and submit a report on the development and implementation of an avian influenza surveillance plan for wild birds and animals to the*

*Legislature, the chair of the Assembly Water, Parks, and Wildlife Committee, and the chair of the Senate Natural Resources and Water Committee.*

*The bill would make legislative findings and declarations relating to avian influenza.*

~~This bill would require the department to recognize priority bird areas, as defined, in the state and publish a list of these areas no later than January 1, 2007. This bill would require the department to cooperate with the Department of Parks and Recreation, other state and local agencies, specified joint ventures and nongovernmental organizations to publicize the presence of each priority bird area and would require the department, no later than June 30, 2007, to report to the Legislature its recommendations for public outreach and education about priority bird areas, and the ways the Resources Agency may increase incentives for voluntary conservation of priority bird habitat on private lands in the state.~~

~~This bill would make legislative findings and declarations relating to bird species in California, and would express the legislature's intent to, among other things, officially recognize priority bird areas in California and to collaborate with nongovernmental organizations and specified joint ventures to facilitate voluntary habitat protection on private lands. This bill would specify that its provisions would not be construed as creating new or additional regulatory burdens, or to add any new or additional constraints on hunting in the state.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 5 (commencing with Section 3860) is  
2 added to Part 2 of Division 4 of the Fish and Game Code, to read:

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4 CHAPTER 5. ~~PRIORITY BIRD AREAS~~ AVIAN FLU WILDLIFE  
5 SURVEILLANCE ACT

6

7 3860. *This chapter shall be known, and may be cited, as the*  
8 *Avian Flu Wildlife Surveillance Act.*

9 3861. *The Legislature finds and declares all of the following:*

10 (a) *Avian influenza and other emerging diseases of wildlife*  
11 *are a serious threat to the people of California.*

1     ***(b) California is home to large populations of migratory birds***  
2     ***and other wildlife species.***

3     ***(c) California is a central part of the Pacific Flyway, and a***  
4     ***seasonal home to species of birds that migrate to and from Asia,***  
5     ***Central America, South America, and other regions.***

6     ***(d) Surveillance of wild birds and animals across the state is a***  
7     ***key element among efforts to prevent avian influenza and other***  
8     ***emerging wildlife diseases from harming the people and the***  
9     ***natural resources of the state.***

10    ***(e) In the interest of public health, the state shall support an***  
11    ***effective surveillance program for avian influenza and other***  
12    ***emerging wildlife diseases in wild bird and animal populations.***

13    ***3862. The Resources Agency, in consultation with the***  
14    ***University of California, shall develop and implement a plan for***  
15    ***the surveillance, monitoring, sampling, diagnostic testing, and***  
16    ***reporting of avian influenza in wild birds and animals in the***  
17    ***state. The Resources Agency shall consult with the United States***  
18    ***Fish and Wildlife Service in developing the plan.***

19    ***3863. The Secretary of the Resources Agency shall convene***  
20    ***an advisory task force, known as the Avian Influenza***  
21    ***Surveillance Task Force, to assist in the development and***  
22    ***implementation of the plan described in Section 3862.***

23    ***(a) The task force shall be composed of all of the following***  
24    ***members:***

25    ***(1) A minimum of six, and a maximum of 10, wildlife or***  
26    ***disease scientists, as designated by the Secretary of the***  
27    ***Resources Agency. At least two shall be from the University of***  
28    ***California. The remainder shall be from the University of***  
29    ***California, other universities, or other qualified research***  
30    ***organizations.***

31    ***(2) One representative of the Resources Agency.***

32    ***(3) One representative of the department.***

33    ***(4) One representative of the Department of Food and***  
34    ***Agriculture.***

35    ***(5) One representative of the State Department of Health***  
36    ***Services.***

37    ***(6) One representative of the Office of Emergency Services.***

38    ***(b) Members of the task force shall be appointed on or before***  
39    ***March 1, 2007.***

1     (c) *The task force shall be headed by a chairperson, selected*  
2     *by the task force from among its members.*

3     (d) *A majority of the task force shall constitute a quorum for*  
4     *the transaction of business.*

5     (e) *The duties of the task force shall include, but not*  
6     *necessarily be limited to, all of the following:*

7         (1) *Recommending strategies and protocols for the*  
8         *surveillance, monitoring, sampling, and diagnostic testing of*  
9         *avian influenza and other emerging wildlife diseases in the state.*

10        (2) *Guiding the implementation of a surveillance program for*  
11        *avian influenza and other emerging wildlife diseases in wildlife*  
12        *populations in the state.*

13        (3) *Recommending procedures for rapid response and*  
14        *reporting of information on avian influenza and other infectious*  
15        *diseases in wild birds and animals.*

16        (4) *Fostering communication among state agencies regarding*  
17        *the avian influenza surveillance program and other emerging*  
18        *wildlife diseases.*

19     3864. *On or before July 1, 2007, the Secretary of the*  
20     *Resources Agency shall compile and submit a report on the*  
21     *development and implementation of an avian influenza*  
22     *surveillance plan for wild birds and animals in the state. This*  
23     *report shall be submitted to the Legislature, the chair of the*  
24     *Assembly Committee on Water, Parks, and Wildlife, and the*  
25     *chair of the Senate Natural Resources and Water Committee.*

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28     **All matter omitted in this version of the bill**  
29     **appears in the bill as amended in Assembly,**  
30     **April 11, 2005 (JR11)**  
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